

**MINUTES
PLANNING BOARD
TUESDAY, NOVEMBER 22, 2022
7:00 PM
TOWN HALL HOOD ROOM**

PRESENT: Chair Mike Foster; Vice Chair Natasha Edwards; Members Jonathan Clayton, Jim Johnson, Howie Labiner, and Sarah Walker; Town Attorney Craig Buie; Planning Director Jay Camp; Senior Planner Rob Will; Senior Administrative Specialist/Deputy Town Clerk Shana Robertson

ABSENT: Member Tom Dorsey; Alternate Member Doug Rose

CALL TO ORDER

Chair Mike Foster called the meeting to order at 7:00 pm.

APPROVAL OF THE MINUTES

Natasha Edwards motioned to approve the minutes as presented and Howie Labiner seconded. The minutes from the October 25, 2022 Planning Board meeting were unanimously approved.

ZONING APPLICATION 2022-763/Self-Storage: to change the zoning classification from B-1(CD) to B-3(CD) on that certain 1.5-acre tract designated as 7904 Council Place and being located in the northwest quadrant of the East John's Street Interstate 485 interchange and being further designated as tax parcel 227-371-82

Senior Planner Rob Will reviewed the updates since the Public Hearing that included increased landscaping around the perimeter of the site, bike racks, removal of the NCDOT proposed landscaping in the right-of-way, and the 45-foot building height limit. Mr. Will said the building was visible from all four sides and said that getting the architecture right was important for this rezoning. The applicant was in attendance and had updated elevations that they wished to review with the members of the Planning Board.

John Carmichael, Attorney with Robinson Bradshaw, said that he was representing the applicant CH Acquisitions. Mr. Carmichael introduced Mark Carpenter and Jay Bryan. Mr. Brian reviewed the elevations that were presented during the Public Hearing on November 14, 2022 and the updated elevations with the Planning Board members (Exhibit A attached and made a part of these minutes). Mr. Bryan said that most of the attention was given to adding additional masonry along E John Street and the retail facing side of the site. Mr. Brian said that there were no major changes made to the 485 facing side of the building. Additional height of the brick will be added because of the grade of the site.

Jim Johnson said that he felt the applicant did a good job with the updated elevations and suggested that two windows be added to the corner along John Street to finish off the design. Mr. Johnson asked where the applicant was envisioning signage to be placed on the building. Mr. Bryan said that ideally, they would have signage along 485 and on the higher elements of the elevation. Smaller signs would be placed over the office door. Signs would need to be conforming to the Matthews sign code.

Mr. Foster asked for clarification on which windows were spandrel or real glass. Mr. Bryan reviewed the elevations and pointed out where clear and spandrel glass would be located.

Ms. Edwards asked what the height of the trees would be. Mr. Bryan explained that there was a drainage easement on the retail side so nothing larger than shrubs could be planted. Once mature, the plantings would not be taller than four to five feet and there was limited opportunity to add larger canopy to the site.

Mr. Johnson motioned that Zoning Application 2022-763 be recommended for approval. The request was found to be consistent with the Matthews Land Use Plan because a non-residential use such as self-storage did not generate enough traffic to warrant safety concerns and the addition would look better than what was in place currently. The change in zoning was found reasonable because it added a low-intensity use to a vacant parcel. Mr. Clayton seconded the motion and it passed five to one with Ms. Walker in opposition.

ZONING APPLICATION 2022-767/Christ Covenant Church: to change the zoning from R-20 to R/I (CD) on those certain parcels designated as 128 and 126 Covenant Church Lane and additionally designated as tax parcels 213-011-04 and -05

Mr. Will reviewed Covenant Day Schools' request to rezone two parcels in order to expand and redevelop the running track and turf field. Mr. Will said that the applicant had updated the notes on the site plan to address the concerns of the allowed use, the storage building, and the increased landscaping along the residential property. Mr. Will said that the storage sheds would be removed from the site and the items stored in those sheds was not sporting equipment. Items from the sheds would be stored in the school building. There was also a note to the site plan being added that the site would only be used for a track and turf field. Staff supported a favorable recommendation to the Board of Commissioners. Mr. Will said that the applicant was in attendance and did have an updated site plan to share with the Board (Exhibit B attached and made part of these minutes).

Mr. Johnson asked if there were going to be lights on the site. Mr. Will said that any lighting on the site would need to conform to the Unified Development Ordinance lighting standards. Mark Lambert with Covenant Day School said that they had no plans to add lights to the field. The school's need for the site was for daytime recess and P.E. school use. Mr. Lambert added that they had spoken to the residential property owner and the property owner asked if the school wished to lease the property.

Mr. Labiner clarified that there was only one residentially zoned home buffering the site and asked what the screening plan was. Mr. Will said there was a five-foot existing fence that would remain and a combination of large and small maturing trees and shrubs was required.

Ms. Walker motioned that Zoning Application 2022-767 be recommended for approval. The request was found to be consistent with the Matthews Land Use Plan because it would support an existing accessory use. The change in zoning was found reasonable because it will make an existing non-conforming use conforming. Ms. Edwards seconded the motion and it passed unanimously.

ZONING APPLICATION 2022-769/Text Amendment: to change the text in the Downtown Overlay District to create a parking fee in lieu thereof as an alternative to the required parking spaces for the proposed development

Planning Director Jay Camp reviewed the current parking reductions in the downtown area and the proposed text amendment that would allow for a fee-in-lieu of parking option for the downtown overlay. Mr. Camp said that this was a request from the Ames Station property owner who is in the process of remodeling an old warehouse in the Downtown area and into a destination for mixed uses including retail, workspaces, and restaurants. The applicant has squeezed 70 spaces onto the site but was short some spaces per the parking requirements in the Unified Development Ordinance. Mr. Camp said that the applicant was not in attendance but staff had taken over the text amendment. Mr. Camp said that the only change made was that the reduction in parking shall not exceed public spaces located within 400 feet. This was to ensure that there was some nearby parking.

Mr. Camp explained that the Downtown overlay already allowed for a 25% reduction in parking and this request was consistent with the Downtown mobility study. Mr. Camp said that the funds received from the parking fee in lieu would be used for the addition or improvement of publicly owned parking located within the Downtown Overlay District.

Mr. Labiner said that he was unclear on the total reduction that this text would allow. Mr. Camp said that the reduction provisions could be used in conjunction but could not exceed more than 50%. A developer could use the current 25% reduction but if they were still short, the fee in lieu could allow further reductions stacked as long as the total reduction did not exceed 50%.

Mr. Labiner asked how often the fees were determined by the town. The developer was suggesting \$6,400 per space but what if the cost to add spaces by the town was determined to be more. Mr. Camp said that the fee schedule was updated yearly and adopted by the Board of Commissioners as part of the budget process that was adopted by July 1 of each year.

Mr. Johnson asked why it was capped at 50%. Mr. Johnson and other members said they were in support of further parking standard reductions. Mr. Camp said that he was unsure what the reception would be and that other towns and cities around the country were eliminating minimum parking standards. Mr. Johnson said that this still created 50% private parking. Mr. Camp reviewed other cities parking requirements and possibilities around Matthews for shared parking agreements. Mr. Johnson said that he would prefer all public parking.

Mr. Camp asked if the Board would be comfortable if a developer built 150 residential units and no onsite parking. Mr. Johnson said that he felt there was a disconnect from residential and commercial.

Members discussed public parking locations, Town-owned properties, private parking sharing, and rights-of-way. Mr. Foster asked if the 2-hour parking areas were being enforced. Mr. Camp said that the regulations were written into Town code but they had not been enforced by the Town.

Ms. Edwards asked if paid parking had ever been considered. Mr. Camp said that had been reviewed in the past but in small towns, like Matthews, pay stations or parking management was not feasible and some thought it could cause possible hardship to some of the local businesses.

Mr. Labiner asked if residential development was allowed in the downtown overlay and if the parking requirements would be the same. Mr. Camp said that it was. Discussion ensued on limiting the text to commercial uses only.

Mr. Labiner motioned that Zoning Application 2022-769 be recommended for approval for business and commercial properties only. The change in zoning is consistent with the adopted downtown mobility study recommendations for parking fees in lieu as a method of better managing the parking supply in downtown. The text amendment adds further clarity to existing parking reduction allowances in the UDO. The text change is reasonable as it allows for more efficient use of land in the downtown area while giving property owners more options for the provision of parking. Mr. Johnson seconded the motion and it passed unanimously.

ADMINISTRATIVE AMENDMENT Christ Covenant Church: revisions for noise barrier at Warner Park located at 515 Matthews Township Parkway and designated as tax parcel 231-012-01

Ms. Edwards said that she works for the same company as the applicant's representative but was not on the project. After speaking with the Town Attorney, Ms. Edwards said that she did not need to recuse herself.

Mr. Will said that Covenant Day School is requesting an Administrative Amendment to revise the location of the required noise barrier and revise a conditional note to allow for the installation of the wall to be taller and for it to be similar to the style of construction along a road. Mr. Will said that the conditional approved site plan required a ten-foot wall. The applicant was requesting a height increase to 15-to-20-foot height and a relocation of the placement from the area depicted on the rezoning plan. Staff was recommending approval of the Administrative Amendment request.

Mr. Labiner asked if the neighbors were made aware of the amendment request and if there was any public comment from the neighborhood about the request. Mr. Will said that was a requirement during the initial rezoning but not during the Administrative Amendment process. The Administrative Amendment was just tweaking the height and location. Mr. Will said that the requirement for the noise wall was due to neighbors' concerns during the

rezoning. Mr. Labiner said that he would be more comfortable if the neighbors had a say in the decision and knew about the request.

Dave Powell, representing the applicant said that the noise wall was requested by the neighbors during the rezoning to help with the sound during games. Mr. Powell explained that there was a six-to-eight-foot grade change in the new requested location and to comply with the request, A ten-foot wall would not be at the height that was desired by the neighborhood.

Mr. Johnson said that a wall that height would require enhanced bracing. Mr. Powell said that was another reason for the request. There was a line of trees that was 30 feet tall or taller. With the height requested, the removal of the trees would be necessary for the foundation required to support the wall height. With the change of materials, the intent of the original rezoning could be reached without the removal of trees. Mr. Powell added that the trees will still sit 20 plus feet taller than the wall and would possibly make the wall unseeable by the neighbors.

Mr. Foster asked how close the wall would be to the park's property line. Mr. Powell said that there was a 50-foot undisturbed tree buffer and the requested location of the wall would be about 10-feet from the buffer area.

Mr. Lambert said that as they surveyed the property it was discovered that the wall in its current approved location would enclose softball spectators between the 10-foot wall and the softball chain fence. Moving the wall to the other side of the road would open the area.

Mr. Johnson asked if the wall was going to be described in the conditional notes as 15 feet in height or 20 feet in height. Mr. Powell said that behind home plate the grade was 5 feet below and further down the grade dropped to 10 feet below the grade of the field. To keep the height level, the notes will state 15 to 20 feet in height to keep the wall 10-feet above the grade and consistent with the neighbor's original request.

Mr. Clayton made a motion to approve the Administrative Amendment request as it was consistent with the original intent of the rezoning. Mr. Johnson seconds the motion and it passed five to one with Mr. Labiner in opposition.

RESCHEDULE December 27, 2022 Planning Board Meeting for December 20, 2022

Ms. Edwards motioned to reschedule the December Planning Board Meeting. Mr. Clayton seconded the motion and it passed unanimously. The December meeting of the Matthews Planning Board will be held on Tuesday, December 20, 2022.

ADJOURNMENT

Mr. Clayton motioned to adjourn. Ms. Edwards seconded the motion and it passed unanimously. The meeting adjourned at 8:18 pm.

Respectfully submitted,



Shana Robertson
Senior Administrative Specialist/Deputy Town Clerk

APPROVED
1/24/2023